

Zoning Ordinance Review Committee

Meeting Minutes

December 12, 2005

Middletown Public Library

Attendees

(Underline indicates attended meeting)

John West, Chair Richard Adams, Secretary Richard Cambra Leo Keefe

Jack Maloney Bill Nash Claire Pimentel Geoff Regan

Robert Silva Barbara Schuster Ed Silveira, Council Liaison Ron Wolanski, Town Planner

Sam Hogan, Asst. Town Planner Jack Kane, Zoning Officer

The meeting was called to order at 6:30 PM. Attendees were as indicated above.

Previous Meeting Minutes

Approvals of minutes from the 11 October meeting were deferred to the next meeting. It was noted that the minutes are cumulative and describe the progressive work of the committee.

Organizational Items and Authority

The committee completed discussion through Section 600 tables and began the review of Article 7. The primary focus of discussion was the impact commercial design standards might have on the Zoning Ordinance and the schedule for completing work on the Zoning Ordinance review, including incorporation of commercial design standards.

Review Approach and Schedule

The committee generally agreed that commercial design standards should be reviewed as a part of the committee's review of the Zoning Ordinance. Discussion centered on whether or not the committee should ask that the commercial design standards hearing and review process now ongoing be suspended until the committee could complete a full review of proposed ordinance changes. Specifically it was noted that most Zoning Ordinance experience was resident in the ZORC and no review of the proposed amendments by knowledgeable zoning official had been conducted.

The committee asked that John West send a letter to the Council requesting the commercial design standards review process be suspended and changes be subject to ZORC review and approval. Dick Adams suggested that to do so would delay the implementation of design standards until the summer or fall of 2006. He indicated that a better plan would be to allow the design standards amendment process to proceed on its own merits and the ZORC incorporate the amendment as an approved change to the Zoning Ordinance. He said that Zoning experience input could be incorporated in the ongoing review process, delaying the scheduled hearing as necessary to obtain the needed input.

The committee agreed that the letter to the Council should be sent and the Council asked to incorporate the design standards hearing process in the overall Zoning Ordinance review. Mr. Silva and Mr. Wolanski recused themselves from voting to avoid any appearance of impropriety or conflict of interest.

Reference Materials

The Zoning Ordinance of 12-09-04 is the basis for review. Title 45-24, Zoning, is available at <http://www.rilin.state.ri.us/Statutes/TITLE45/45-24/INDEX.HTM>.

Meeting Schedule

The committee agreed that the frequency of ZORC meeting will be increased to twice a month. A schedule will be published as soon as it is determined. It was also suggested that the meeting be moved from the library which closes at 8:00 PM to increase their length. No decision was made on this point.

Recommended Changes

a) Zoning Ordinance Changes

Note: Recommended changes are shown in the current revised version of the ordinance. The file name is: Zoning Ordinance (12-09-04) Chap 1-26 Rev 12_29_05_DSChgs.doc and is the current working file distributed to committee members. Changes proposed to implement commercial design standards have been added o the baseline. Stormwater amendment changes will be added as soon as the amendment is approved. The stormwater ordinance changes ZO Articles 7 and 13 as well as Town Ordinance 151, 153, and Subdivision/Land Development Regulations.

Global Changes. It was noted that the organization of the Zoning Ordinance is inconsistent. That is, the designation of subordinate paragraphs varies among Sections, and levels of indenture are inconsistent. Dick Adams made the changes need to establish a consistent organization. They are shown in the current revision.

Article 1. Minor changes were made clarifying text and adding references to RI General Laws. In general, when RIGL text is quoted or a section is required to conform to RIGL, a footnote has been added to indicate the applicable reference. Section 101, item (16) was added indicate conformance with RIGL related to affordable housing.

Article 2. Notes were added to indicate the text needs to be modified to reflect a 3rd Zoning Board alternate member if approved by the Town Council. Global revisions were made to make the language gender neutral. Zoning Board powers references were corrected.

Article 3. Minor readability clarifications were made. Section 304 Item M was changed to correct references. Clarification language was inserted in Section 304A. Sections should be renumbered to eliminate "A". All other corrections were grammatical or clarifications.

Article 4. Minor clarifications and misspellings corrected. Article 4 definitions were reviewed. Comments from Ron Wolanski and committee members were incorporated. To simplify the definitions, paragraph numbers were eliminated and definitions arranged in alphabetical order. An APA book of definitions was obtained and will be compared with Ordinance definitions. The committee will be advised of any recommended changes.

Article 5. Item K was modified to include a note explaining LI (Adjacent to Residential) modification to LI. Section 503 needs to be redrafted to provide guidance on how to divide lots with multiple zonings or simply authorize the Zoning Official to do so, which is current practice.

Article 6. Line by line review of the Section 602 and 603 tables continued through the end of the section. Recommended changes are shown in the current working revision.

Article 7. Minor typographical and grammatical changes were made.

b) Other Related Changes

Relevant supporting Subdivision/Land Development Regulation changes are shown in filename Subdiv. Regs. 1995-Revisions to Dec. 2004 Rev_Baseline_DSChgs_1.doc.

The meeting was adjourned at 7:56 PM.

Action Items

No. Item Responsibility Status Due

8 Comparison of definitions section with definitions published in the American Planning Association's "A Review of Zoning Definitions" Dick Adams Comparison completed. Requires review by the Planning Office TBD

**9 Letter to Town Council asking that Commercial Design Standards amendment review be delayed and incorporated in Zoning Ordinance Review process. Claire Pimentel and John West Complete 13 Dec 05
Respectfully Submitted,**

/s/ R. P. Adams